U.S. Application No.: <u>10/044,212</u> Attorney Docket No.: <u>CIS01-23(4696)</u>

-14-

## **REMARKS**

In response to the Office Action mailed on July 19, 2005, Applicants respectfully requests reconsideration. Claims 1-34 are pending in this Application. Claims 1, 12, 16, 27, 31, 32, 33 and 34 are independent claims and the remaining claims are dependent claims. A version of the claims is included hereinabove. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

## Rejections under 35 U.S.C. §102 and §103

Claims 1-4, 7-9, 14-19, 22-24, 27 and 29-34 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. US2003/0039248A1 to Weaver (hereinafter Weaver). Claims 5 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of U.S. Patent No. 5,754,768 to Brech et al. (hereinafter Brech). Claims 6 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of U.S. Patent No. 6,298,070 to Carlson et al. (hereinafter Carlson). Claims 10, 13, 25 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of U.S. Patent Publication No. US2003/0046429A1 to Sonksen (hereinafter Sonksen). Claims 11 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weaver in view of U.S. Patent Publication No. US2002/0042837A1 to Ebata et al. (hereinafter Ebata).

Enclosed herewith is an affidavit of Suchitra Raman, inventor of the present invention. The enclosed affidavit under 37 C.F.R. §1.131 constitutes an uncontroverted unequivocal statement as to the correctness of the inventorship and that the invention was conceived prior to the filing date of the Weaver reference (August 27, 2001). Applicants respectfully submit that the Weaver reference applied by the Examiner does not qualify as prior art since the affidavit shows that the invention was conceived prior to the filing date of the Weaver reference and subsequently reduced to practice. In support of the Affidavit,

-15-

Applicants have provided an invention disclosure for the present application, dated May 8, 2001, which is well before the filing date of the Weaver reference. This provides proof of earlier conception.

Further, the submitted invention disclosure was converted to the present application which was filed on November 20, 2001, thereby providing proof of due diligence. It appears that, through an administrative oversight, the invention disclosure was not included in the previous response.

As such, the present invention cannot be anticipated by Weaver, taken alone or in combination with other art. Accordingly, the rejection of claims 1-34 under§ § 102(e) and 103(a) as being anticipated by Weaver and various combinations of Brech, Carlson, Sonksen and Ebata is believed to have been overcome.

The prior art made of record is not believed to disclose or suggest the present invention.

In view of the above, the Examiner's objections and rejections are believed to have been overcome, placing claims 1-34 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

If the U.S. Patent and Trademark Office deems a fee necessary, this fee may be charged to the account of the undersigned, Deposit Account No. <u>50-0901</u>.

U.S. Application No.: 10/044,212 Attorney Docket No.: CIS01-23(4696)

-16-

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,

David W. Rouille, Esq.
Attorney for Applicant(s)
Registration No.: 40,150
CHAPIN & HUANG, L.L.C.
Westborough Office Park
1700 West Park Drive

Westborough, Massachusetts 01581

Telephone: (508) 366-9600 Facsimile: (508) 616-9805 Customer No.: 022468

Attorney Docket No.: CIS01-23(4696)

Dated: October 11, 2005